

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6

By HON. WARREN R. DARROW

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Heather Smith, Deputy Clerk

DATE: July 16, 2010

**FILED**

DATE: 07/16/10

9:28 O'Clock A.M.

JEANNE HICKS, CLERK

BY: HEATHER SMITH

Deputy

**TITLE:**

STATE OF ARIZONA

(Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

(D-1)

(Defendant)

**COUNSEL:**

Yavapai County Attorney

(For Plaintiff)

John Sears

Larry Hammond & Anne Chapman

OSBORN MALEDON, P.A.

(For Defendant)

**HEARING ON:**

Pending Motions

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Roxanne Tarn

**START TIME: 9:28 a.m.**

**APPEARANCES:** Joseph Butner, Deputy County Attorney  
Jeff Paupore, Deputy County Attorney  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant  
Anne Chapman, Counsel for Defendant  
Steven Carroll Democker, Defendant in Custody

Court directs the record for the first part of today's proceedings be sealed until further order of the Court and that the first part of today's proceedings be closed to the public and the media.

Court indicates, there will be two separate minute entries today, one for the closed portion of the hearing and one for the open portion of the hearing.

Court notes, Defense has filed 3 new pleadings to which the Court and Counsel for State have not yet fully reviewed.

Court notes, through the Courts own admission, Victim Services and John Napper did not receive copies of the minute entry dated July 14, 2010.

All Counsel agree to include Victim Services and John Napper on the minute entries. Court directs Victim Services and John Napper be provided copies of the minute entries.

Court addresses the continuation of the Defense Team.

Court confirms his previous ruling that the Defense Team not be disqualified in representing the Defendant. **The Court Finds** there has not been a showing of any wrong doing which could disqualify the Defense Team.

In regards to the insurance records, there is a lot of character evidence prohibited by Rule 404(b).

Based upon Rule 403 and 404(b), the disclosure cannot be used for an improper purpose.

Court addresses Counsel for States Request for 15.7.

Based upon the State's request, the Court believes there may be relevance as to the use of the insurance monies in front of the Jury Panel.

Counsel agree, the upcoming witnesses have no potential relevance as to the insurance monies with the exception of Mr. Masher.

At this time, the issue regarding the use of the insurance monies will be considered by the Court and a ruling issued.

Court notes, there are still issues as to whether or not the Defense Team can continue with the trial for this Defendant and Rule 19.5.

Court notes, as to the motion for reconsideration, the Court does not intend to re-visit Judge Lindberg's prior rulings unless this Court Finds there is an error.

Court requests Counsel for State alert Court and Counsel for Defendant as to which issues he will be requesting the Court reconsider.

Counsel for State requests he be able to respond on Monday.

Counsel for State to submit his list by this upcoming Monday at 9:00 a.m.

Counsel for State agrees to submit his list by that time.

Court addresses the issue of ex-parte communication and the questions submitted by the Court to the Defense Team.

Based upon the Court's previous finding that the Defense Team has not shown any wrong doing, Counsel for Defendant, Hammond, indicates, the request for ex-parte communication will be deferred.

Counsel for State, Butner, still believes the issue as to Counsel determination should be in a protected setting, sealed and closed from the Public, however open to all Counsel and parties.

The Court indicates the accusations made by the State will not interfere with this Court's ability to handle this matter fairly.

Counsel for State believes, the written answer provided by the Defendant of a waiver of allegations is not sufficient and requests an oral waiver by the Defendant on the record.

**The Court Finds**, the answer by the Defense and the avowals are sufficient for the Court's purpose.

Counsel for Defendant, Hammond, indicates based upon the Defendant's response, the accusations will not interfere with the representation of the Defendant.

Court and Counsel agree to speak with Juror [REDACTED] in closed session.

Court indicates, it has reviewed most of the pleadings/rulings in this matter; however, has not been able to review every pleading/ruling at this time.

Court indicates, the issue of late disclosure, the motion to modify release conditions and the issue of Rule 19.5 will be addressed during the open proceedings.

At 10:31 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses Juror [REDACTED] as to an issue regarding transportation.

Juror ■ indicates, transportation is a problem to get her to and from trial. The Juror is currently working on the lengthy trial fund packet.

Court addresses the Juror as to her contact with a relative of a potential witness.

Court directs the Juror to check into the carpooling idea.

Counsel for State, Butner, addresses the Juror.

Court directs Juror ■ to work through the Jury Commissioner to contact other jurors who may be able to carpool with her. The Jury Commissioner will contact the other Jurors to avoid giving out the Jurors phone numbers.

Counsel for Defendant, Sears, suggests the possibility of a rental car or fixing the Jurors personal car.

Juror ■ shall stay in close contact with the Jury Commissioner

At 10:49 a.m., Juror ■ exits the Courtroom.

Court indicates, it will now take a brief recess to allow the Courtroom to be opened.

\*\*\*\*\* 10:50 a.m. Recess \*\*\*\*\*

**END TIME: 10:50 a.m.**

cc: Dean Trebesch (Contract Administrator) (PD)  
Christopher DuPont, Trautman DuPont PLC,  
Counsel for Victims Charlotte and Katherine DeMocker  
YCSO – Detention Records  
Victim Services  
John Napper, Counsel for Renee Girard